

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ABBOTT LABORATORIES, an Illinois corporation,
FOURNIER INDUSTRIE ET SANTÉ, a French corporation,
and LABORATOIRES FOURNIER S.A., a French
corporation,

Plaintiffs,

v.

IMPAX LABORATORIES, INC., a Delaware corporation,
Defendant.

Civil Action No.: 03-120 (KAJ)
(Consolidated)

IMPAX LABORATORIES, INC., a Delaware corporation,

Counterclaim Plaintiff,

v.

ABBOTT LABORATORIES, an Illinois corporation,
FOURNIER INDUSTRIE ET SANTÉ, a French corporation,
and
LABORATOIRES FOURNIER, S.A., a
French corporation,

Counterclaim Defendants.

IN RE: TRICOR DIRECT PURCHASER ANTITRUST
LITIGATION

Civil Action No. 05-340 (KAJ)

THIS DOCUMENT RELATES TO:

ALL ACTIONS

NOTICE OF SERVICE

PLEASE TAKE NOTICE that copies of the attached Declarations of Pierre Diebolt were served on November 30, 2006 upon the following counsel of record in the manner indicated below:

VIA HAND DELIVERY

Josy W. Ingersoll
John W. Shaw
Karen Keller
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899-0391

Jeffrey S. Goddess
Rosenthal, Monhait, Gross & Goddess, P.A.
919 Market Street, Suite 1401
P.O. Box 1070
Wilmington, DE 19899-1070
Tel. (302) 656-4433
Fax. (302) 658-7567

Jonathan L. Parshall
Murphy Spadaro & Landon
1011 Centre Road, Suite 210
Wilmington, DE 19801

Michael I. Silverman
Lynn A. Iannone
Silverman & McDonald
1010 North Bancroft Parkway
Suite 22
Wilmington, DE 19805

Mary B. Graham
Morris Nichols, Arsht & Tunnell
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899

Mary B. Matterer
Morris, James, Hitchens & Williams
222 Delaware Avenue, 10th Floor
Wilmington, DE 19801

Pamela S. Tikellis
Robert J. Kriner, Jr.
A. Zachary Naylor
Chimicles & Tikellis LLP
One Rodney Square
P.O. Box 1035
Wilmington, DE 19899

Elizabeth M. McGeever
Prickett Jones Elliott, P.A.
1310 King Street
Wilmington, DE 19801

Patrick Francis Morris
Morris & Morris
1105 North Market Street
Suite 803
Wilmington, DE 19801

VIA ELECTRONIC MAIL

REPRESENTING DIRECT PARTY PLAINTIFFS
(C.A. 05-340):

Jeffrey S. Goddess
jgoddess@rmggglaw.com
Bruce E. Gerstein
bgerstein@garwingerstein.com

Barry S. Taus
btaus@garwingerstein.com

Adam M. Steinfeld
asteinfeld@garwingerstein.com

Daniel Berger
danberger@bm.net

Eric L. Cramer
ecramer@bm.net

Peter Kohn
pkohn@bm.net

Linda P. Nussbaum
lnussbaum@cmht.com

Steig D. Olson
solson@cmht.com

REPRESENTING WALGREEN, ECKERD, KROGER,
MAXI, CVS, RITE AID
(C.A. 05-340):

Elizabeth M. McGeever
emmcgeever@prickett.com

Scott E. Perwin
sperwin@kennynachwalter.com

Joseph T. Lukens
jlukens@hangle.com

REPRESENTING PACIFICARE
(C.A. 05-340):

Jonathan L. Parshall
jonp@msslaw.com

William Christopher Carmody
bcarmody@susmangodfrey.com

John Turner:
jturner@susmangodfrey.com

Shawn Rabin:
srabin@susmangodfrey.com

Justin Nelson:
jnelson@susmangodfrey.com

Cindy Tijerina:
ctijerina@susmangodfrey.com

Ken Zylstra:
kzylstra@sbcslaw.com

Lyle Stamps:
lstamps@sbcslaw.com

Steve Connolly
Sconnolly@abslaw.com

Mark Sandman:
mms@rawlingsandassociates.com

Jeffrey Swann:
js5@rawlingsandassociates.com

REPRESENTING INDIRECT PARTY PLAINTIFFS
(C.A. 05-360):

Pamela S. Tikellis
Thomas M. Sobol
Patrick E. Cafferty
Jeffrey L. Kodroff
Bernard J. Persky
William C. Carmody
Mike Gottsch
Zach Naylor
Robert Davis
Brian Clobes
Michael Tarringer
Tim Fraser
David Nalven
Greg Matthews
Christopher McDonald
Kellie Safar
Ted Lieverman
Pat Howard

Tricor@chimicles.com

REPRESENTING IMPAX LABORATORIES
(C.A. 03-120):

Mary Matterer
mmatterer@morrisjames.com

John C. Vetter
jvetter@kenyon.com

Asim Bhansali
abhansali@kvn.com

REPRESENTING TEVA PHARMACEUTICALS
(C.A. 02-1512):

Josy W. Ingersoll
Bruce M. Gagala
Karen E. Keller
Christopher T. Holding
Ken Cohen
Elaine Blais

tricor@ycst.com

REPRESENTING ABBOTT (ALL CASES):

Mary B. Graham
Tricor@mnat.com

William F. Cavanaugh
wfcavanaugh@pbwt.com

Chad J. Peterman
cjpeterman@pbwt.com

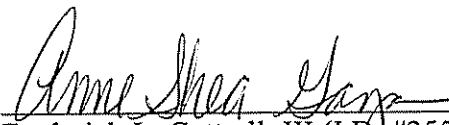
Of Counsel:

Steven C. Sunshine
Maria M. DiMoscato
CADWALADER, WICKERSHAM & TAFT LLP
1201 F Street, N.W.
Washington, D.C. 20004
(202) 862-2200

Matthew P. Hendrickson
Bradley J. Demuth
CADWALADER, WICKERSHAM & TAFT LLP
One World Financial Center
New York, NY 10281
(212) 504-6000

Timothy C. Bickham
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036-1795
(202) 429-5517

Dated: November 30, 2006


Frederick L. Cottrell, III (I.D. #2555)
Anne Shea Gaza (I.D. #4093)
cottrell@rlf.com
gaza@rlf.com
RICHARDS, LAYTON & FINGER
One Rodney Square
Wilmington, DE 19801
(302) 651-7700

DECLARATION OF PIERRE DIEBOLT

I, Pierre Diebolt, Director of Intellectual Property for defendants Fournier Industrie et Santé and Laboratoires Fournier, S.A., declare and state as follows:

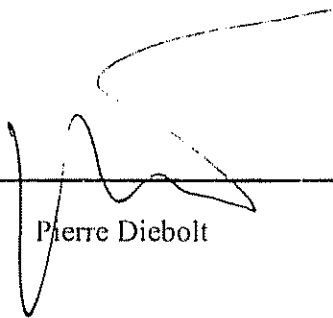
1. I am authorized to make this Declaration on behalf of Fournier Industrie et Santé and Laboratoires Fournier, S.A.

2. I have read the objections and responses in Fournier's Response to Direct Purchaser Plaintiffs' Second Set of Interrogatories, and I know the contents thereof. Certain matters set forth therein are not within my personal knowledge.

3. Said responses and objections were prepared with the assistance of employees of and counsel for Fournier Industrie et Santé and Laboratoires Fournier, S.A. upon whom I have relied. The responses set forth therein, subject to inadvertent and undiscovered errors, are based upon and necessarily limited by information presently recollected and thus far discovered in the course of preparation of these interrogatory responses. Consequently, Fournier Industrie et Santé and Laboratoires Fournier, S.A. each reserve the right to make any change in these responses if it appears at any time that omissions or errors have been made therein, or that more accurate information becomes available.

4. Subject to the limitations as set forth herein, and pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 11/29/06



Pierre Diebolt

DECLARATION OF PIERRE DIEBOLT

I, Pierre Diebolt, Director of Intellectual Property for defendants Fournier Industrie et Santé and Laboratoires Fournier, S.A., declare and state as follows:


1. I am authorized to make this Declaration on behalf of Fournier Industrie et Santé and Laboratoires Fournier, S.A.

2. I have read the objections and responses in Fournier's Response to Impax's First Antitrust Set of Interrogatories and I know the contents thereof. Certain matters set forth therein are not within my personal knowledge.

3. Said responses and objections were prepared with the assistance of employees of and counsel for Fournier Industrie et Santé and Laboratoires Fournier, S.A. upon whom I have relied. The responses set forth therein, subject to inadvertent and undiscovered errors, are based upon and necessarily limited by information presently recollected and thus far discovered in the course of preparation of these interrogatory responses. Consequently, Fournier Industrie et Santé and Laboratoires Fournier, S.A. each reserve the right to make any change in these responses if it appears at any time that omissions or errors have been made therein, or that more accurate information becomes available.

4. Subject to the limitations as set forth herein, and pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 11/29/06

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Pierre Diebolt

DECLARATION OF PIERRE DIEBOLT

I, Pierre Diebolt, Director of Intellectual Property for defendants Fournier Industrie et Santé and Laboratoires Fournier, S.A., declare and state as follows:

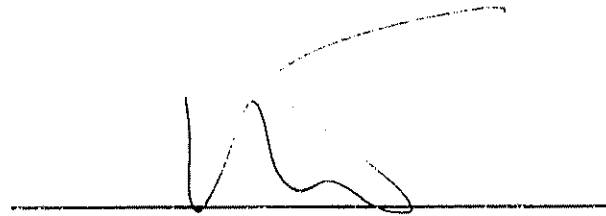
1. I am authorized to make this Declaration on behalf of Fournier Industrie et Santé and Laboratoires Fournier, S.A.

2. I have read the objections and responses in Fournier's Response to Impax's Second Antitrust Set of Interrogatories, and I know the contents thereof. Certain matters set forth therein are not within my personal knowledge.

3. Said responses and objections were prepared with the assistance of employees of and counsel for Fournier Industrie et Santé and Laboratoires Fournier, S.A. upon whom I have relied. The responses set forth therein, subject to inadvertent and undiscovered errors, are based upon and necessarily limited by information presently recollected and thus far discovered in the course of preparation of these interrogatory responses. Consequently, Fournier Industrie et Santé and Laboratoires Fournier, S.A. each reserve the right to make any change in these responses if it appears at any time that omissions or errors have been made therein, or that more accurate information becomes available.

4 Subject to the limitations as set forth herein, and pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 29/11/06

A handwritten signature in black ink, appearing to read 'Pierre Diebolt', is written over a horizontal line. The signature is stylized with a large initial 'P' and a long, sweeping horizontal stroke.

Pierre Diebolt

DECLARATION OF PIERRE DIEBOLT

I, Pierre Diebolt, Director of Intellectual Property for defendants Fournier Industrie et Santé and Laboratoires Fournier, S.A., declare and state as follows:

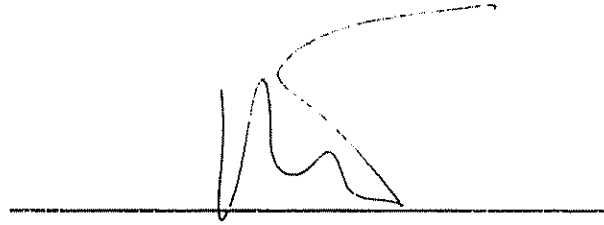
1. I am authorized to make this Declaration on behalf of Fournier Industrie et Santé and Laboratoires Fournier, S.A.

2. I have read the objections and responses in Fournier's Response to Direct Purchaser Plaintiffs' Third Set of Interrogatories, and I know the contents thereof. Certain matters set forth therein are not within my personal knowledge.

3. Said responses and objections were prepared with the assistance of employees of and counsel for Fournier Industrie et Santé and Laboratoires Fournier, S.A. upon whom I have relied. The responses set forth therein, subject to inadvertent and undiscovered errors, are based upon and necessarily limited by information presently recollected and thus far discovered in the course of preparation of these interrogatory responses. Consequently, Fournier Industrie et Santé and Laboratoires Fournier, S.A. each reserve the right to make any change in these responses if it appears at any time that omissions or errors have been made therein, or that more accurate information becomes available.

4. Subject to the limitations as set forth herein, and pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 11/29/06

A handwritten signature in black ink, appearing to be 'P. Diebolt', is written over a horizontal line. The signature is stylized with a large, sweeping loop at the end.

Pierre Diebolt

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2006, I caused to be served by hand delivery the foregoing document to the following:

Josy W. Ingersoll
John W. Shaw
Karen Keller
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899-0391

Jeffrey S. Goddess
Rosenthal, Monhait, Gross & Goddess, P.A.
919 Market Street, Suite 1401
P.O. Box 1070
Wilmington, DE 19899-1070
Tel. (302) 656-4433
Fax. (302) 658-7567

Jonathan L. Parshall
Murphy Spadaro & Landon
1011 Centre Road, Suite 210
Wilmington, DE 19801

Michael I. Silverman
Lynn A. Iannone
Silverman & McDonald
1010 North Bancroft Parkway
Suite 22
Wilmington, DE 19805

Mary B. Graham
Morris Nichols, Arsht & Tunnell
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899

Mary B. Matterer
Morris, James, Hitchens & Williams
222 Delaware Avenue, 10th Floor
Wilmington, DE 19801

Pamela S. Tikellis
Robert J. Kriner, Jr.
A. Zachary Naylor
Chimicles & Tikellis LLP
One Rodney Square
P.O. Box 1035
Wilmington, DE 19899

Elizabeth M. McGeever
Prickett Jones Elliott, P.A.
1310 King Street
Wilmington, DE 19801

Patrick Francis Morris
Morris & Morris LLC
4001 Kennett Pike, Suite 300
Wilmington, Delaware 19807

I hereby certify that on November 30, 2006, I sent by electronic mail the foregoing document to the following:

REPRESENTING DIRECT PARTY PLAINTIFFS
(C.A. 05-340):

Jeffrey S. Goddess
jgoddess@rmgglaw.com

Bruce E. Gerstein
bgerstein@garwingerstein.com
Barry S. Taus
btaus@garwingerstein.com

Adam M. Steinfeld
asteinfeld@garwingerstein.com

Daniel Berger
danberger@bm.net

Eric L. Cramer
ecramer@bm.net

Peter Kohn
pkohn@bm.net

Linda P. Nussbaum
lnussbaum@cmht.com

Steig D. Olson
solson@cmht.com

REPRESENTING WALGREEN, ECKERD, KROGER,
MAXI, CVS, RITE AID, ALBERTSON'S, SAFEWAY,
HY-VEE AND AMERICAN SALES
(C.A. 05-340):

Elizabeth M. McGeever
emmcgeeever@prickett.com

Scott E. Perwin
sperwin@kennynachwalter.com

Joseph T. Lukens
jlukens@hangle.com

REPRESENTING PACIFICARE
(C.A. 05-340):

Jonathan L. Parshall
jonp@msllaw.com
William Christopher Carmody
bcarmody@susmangodfrey.com

John Turner:
jturner@susmangodfrey.com

Shawn Rabin:
srabin@susmangodfrey.com

Justin Nelson:
jnelson@susmangodfrey.com

Cindy Tijerina:
ctijerina@susmangodfrey.com

Ken Zylstra:
kzylstra@sbclasslaw.com

Lyle Stamps:
lstamps@sbclasslaw.com

Steve Connolly
Sconnolly@abclasslaw.com

Mark Sandman:
mms@rawlingsandassociates.com

Jeffrey Swann:
js5@rawlingsandassociates.com

REPRESENTING INDIRECT PARTY PLAINTIFFS
(C.A. 05-360):

Pamela S. Tikellis
Thomas M. Sobol
Patrick E. Cafferty
Jeffrey L. Kodroff
Bernard J. Persky
William C. Carmody
Mike Gottsch
Zach Naylor
Robert Davis
Brian Clobes
Michael Tarringer
Tim Fraser
David Nalven
Greg Matthews
Christopher McDonald
Kellie Safar
Ted Lieverman
Pat Howard
Tricor@chimicles.com

REPRESENTING IMPAX LABORATORIES
(C.A. 03-120):

Mary Matterer
mmatterer@morrisjames.com

John C. Vetter
jvetter@kenyon.com

Asim Bhansali
abhansali@kvn.com

REPRESENTING TEVA PHARMACEUTICALS
(C.A. 02-1512):

Josy W. Ingersoll
Bruce M. Gagala
Karen E. Keller
Christopher T. Holding
Ken Cohen
Elaine Blais

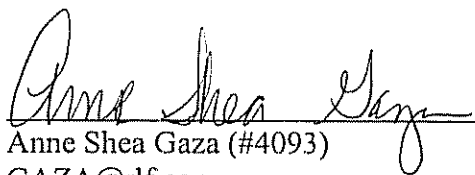
trikor@ycst.com

REPRESENTING ABBOTT (ALL CASES):

Mary B. Graham
Tricor@mnat.com

William F. Cavanaugh
wfcavanaugh@pbwt.com

Chad J. Peterman
cjpeterman@pbwt.com


Anne Shea Gaza (#4093)
GAZA@rlf.com